IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

W.P.NO.1132 OF 2006

M/s.Palghar Motors Pvt.Ltd. ..Petitioner

Vs.

The Liquidator,
The Swatsik Janata Sahakari
Bank Ltd.and Ors. ..Respondents

...

Mr.Mahendra P.Kunthekar Advocate for Petitioner
Mr.N.D.Yelkar Advocate for Respondent No.1

...

CORAM: F.I.REBELLO AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : JUNE 28, 2006

P.C.

1. Heard learned advocates for the parties.

2. Petitioner's contention is that the premises licensed by it to the Bank under liquidation, should be handed back to it. The Liquidator has filed affidavit pointing out that premises are the place where the Head Office of the Liquidator Bank is situated and as such, it is not possible to hand over the premises.

3. Further contention of the petitioner is that considering Section 109 of Maharashtra Co-Operative Societies Act, proceedings by now ought to have been closed. That is not an issue before us. It will be open to the petitioner to move the Registrar for whatever relief he is entitled to under Section 109 of the said Act. If thereafter, the proceedings are terminated, it will be open to the petitioner to seek possession from Respondent No.1 and if possession is not handed over, it will be open to the petitioner to move the necessary forum, including this Court.

4. With the above observation, petition is disposed of.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]